

REMARKS

Claims 1-24 are currently pending.

The Office Action rejected claims 1, 6-18 and 20 under 35 U.S.C. § 103 as obvious over WO 02/03952 (“Robinson”), claims 4 and 5 under 35 U.S.C. § 103 as obvious over Robinson in view of U.S. patent application publication no. 20010002257/French patent application no. 2,771,632 (“Stoltz”), and claims 1 and 4-20 under 35 U.S.C. § 103 as obvious over EP 1,055,406/U.S. patent 6,465,402 (“Lorant”) in view of U.S. patent 6,346,255 (“Fontinos”). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

The pending claims require the presence of lipophilic amino acids. Robinson neither teaches nor suggests such amino acids. Specifically, Robinson at page 46, line 24 relates to N-acetyl derivatives of amino acids, and Robinson at page 48, line 20 relates to unsubstituted antioxidant amino acids. Neither Robinson’s N-acetyl amino acids or Robinson’s unsubstituted antioxidant amino acids are lipophilic as required by the present claims. Thus, Robinson does not teach or suggest each and every element required by the pending claims, meaning that it cannot render the present claims obvious.

This is particularly true for claim 4. In claim 4, the formula (II) as well as the definition for R and R’ exclude sulfur-containing R’ chains, so Robinson, which teaches/suggests using only sulfur-containing amino acids at page 46, line 24, cannot teach or suggest adding the specified lipophilic amino acids in claim 4 to his compositions. Similarly, page 48, line 20, which teaches/suggests adding unmodified amino acids to Robinson’s compositions cannot teach or suggest adding the specified lipophilic amino acids to his compositions

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With respect to Lorant, the Office Action recognizes that Lorant neither teaches nor suggests the claimed lipophilic amino acids, meaning that it cannot render obvious the claimed invention.

Thus, by themselves, neither of the primary references teaches or suggests the claimed invention.

The secondary references, Stoltz and Fontinos, do not compensate for Robinson's and Lorant's deficiencies. No motivation would have existed to combine these references with the primary references with the expectation that a stable, acceptable emulsion would result.

In this regard, examples 1-6 and comparative examples 1-6 in the present application (pages 32-38) demonstrate that using the claimed lipophilic amino acids results in stable emulsion compositions, whereas compositions lacking such lipophilic amino acids are unstable. Nothing in any of the cited art teaches, suggests or recognizes any benefits associated with adding the claimed lipophilic amino acids to emulsions.

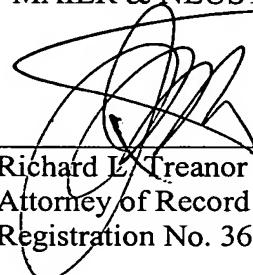
For all of the above reasons, Applicants respectfully request reconsideration and withdrawal of the pending § 103 rejections.

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Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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